

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

STANDING TREES, INC.,

Plaintiff,

v.

UNITED STATES FOREST SERVICE, *et al.*,

Defendants.

Case No. 1:24-cv-00138-JL-TSM

DEFENDANTS' NOTICE

Defendants inform the Court and Plaintiff that the Council on Environmental Quality (CEQ) has withdrawn its January 9, 2023 interim guidance entitled “National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change.” The withdrawal is published in the Federal Register and is effective today. 90 Fed. Reg. 22,472 (May 28, 2025).

The withdrawal is relevant to this case because the parties dispute whether CEQ’s 2023 interim guidance applied to the two forest health projects challenged in this action and whether the Forest Service complied with the now-withdrawn guidance. *See* ECF No. 14-1 at 27 and n.17 (Pl.’s Mem.); ECF No. 16-1 at 29 (Defs.’ Mem.); ECF No. 27 at 15, 17 (Pl.’s Resp.); ECF No. 31 at 16 (Defs.’ Reply).

Respectfully submitted,

Dated: May 28, 2025

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

/s/ John P. Tustin
Texas Bar No. 24056458
Senior Attorney
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Phone: (202) 305-3022
Fax: (202) 305-0275
john.tustin@usdoj.gov

JAY McCORMACK
Acting United States Attorney